

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID HANEY,

Case No. 16-cv-13227

Plaintiff,

v.

Honorable Nancy G. Edmunds

DR. ROBERT CROMPTON, et al.

Magistrate Judge R. Steven
Whalen

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
JULY 31, 2019 REPORT AND RECOMMENDATION**

Plaintiff David Haney filed this *pro se* civil rights matter against Nicki Monroe, Addie Briske, Vicki Jensen, Deborah Swickley, Bridget Ball, Jennifer Russel, and Jack Bellinger, who are employees of the Michigan Department of Corrections ("MDOC"), and Dr. Robert Crompton, who is employed by Corizon Health, Inc. Plaintiff claims that Defendants denied him adequate medical care in violation of the Eighth Amendment to the United States Constitution.

Pending before the Court is the Magistrate Judge's July 31, 2019 Report and Recommendation. (ECF No. 116.) The Magistrate Judge recommends that the Court enter summary judgment as to Defendant Russel and dismiss all claims against her. Plaintiff objects to the Magistrate Judge's Report and Recommendation. (ECF No. 119.) The Court has conducted a *de novo* review of Plaintiff's objection. For the reasons set forth below, the Court **OVERRULES** Plaintiff's objection, **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation, and **GRANTS** summary judgment in favor Defendant Russel.

I. Standard of Review

This Court performs a *de novo* review of those portions of the Magistrate Judge's Report and Recommendation to which Plaintiff has objected. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b). The Court need not and does not perform a de novo review of the report's unobjected-to findings. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Moreover, an objection that "does nothing more than state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context." *Aldrich v. Bock*, 327 F. Supp. 2d. 743, 747 (E.D. Mich. 2004). Indeed, the purpose of an objection to a report and recommendation is to provide the Court "with the opportunity to consider the specific contentions of the parties and to correct any errors immediately." *Id.* (quoting *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981)).

II. Analysis

In her April 11, 2019 Report and Recommendation, the Magistrate Judge notified Plaintiff that she intended to recommend that summary judgment be granted as to Defendant Russel, who has yet to be served with the complaint or waive service, for the same reasons as the other Defendants. The Magistrate Judge directed Plaintiff to submit a brief explaining why summary judgment should not be granted as to Defendant Russel. In the Report and Recommendation now before the Court, the Magistrate Judge states that she did not receive a brief from Plaintiff, and accordingly, recommends granting summary judgment in favor of Defendant Russel because the record does not support Plaintiff's claim.

Plaintiff objects to the Report and Recommendation and claims that he did in fact submit a brief opposing summary judgement in favor of Defendant Russel. Plaintiff contends that he did timely submit a response brief, but that the brief was sent to this Court as opposed to the magistrate judge. Plaintiff, however, does not otherwise specifically object to the Magistrate Judge's substantive findings concerning Defendant Russel.

The Court has reviewed the entire record in this matter, including the response brief attached to Plaintiff's objection. Regardless of whether Plaintiff properly submitted a response brief as ordered by the magistrate judge, and as the magistrate judge found, the record does not support a deliberate indifference claim against Defendant Russel. Therefore, the Court agrees with the Magistrate Judge's recommendation to enter summary judgment as to Defendant Russel pursuant to Federal Rule of Civil Procedure 56(f).

III. Conclusion

For the above-stated reasons, and for the reasons provided in the Magistrate Judge's Report and Recommendation, the Court **OVERRULES** Plaintiff's objection, **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation, **and GRANTS** summary judgment in favor of Defendant Russel.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 4, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 4, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager